

## REMARKS

Reconsideration of the present application is requested on the basis of the following particulars.

1. In the Claims

Claims 1-11 have been cancelled without prejudice or disclaimer. Claims 12-20 essentially replace claims 1-10. The subject matter of claim 9 has been incorporated into new claim 17 which corresponds to claim 6. Moreover, claim 11 is not expressly represented in new claims 12-20 since it is believed that claim 12 recites a method that can use the device of claim 17.

a. Claim Objections

In view of the new claims, the objection of claim 5 is considered moot.

b. Rejection of Claims 1-11 Under 35 U.S.C. 112, second paragraph

Claims 1-11 were rejected as being indefinite for failing to clearly recite the subject matter recited therein. In view of the new claims, it is submitted that the claims of the present application comply with the paragraphs under 35 U.S.C. § 112. Accordingly, this rejection is considered moot.

Specifically, claim 12 positively recites the method steps recited therein. Moreover, the limitations of the method steps and the features thereof have been characterized in more clearer terms.

Each instance of the term "means" originally recited in claim 6 is now recited as a "device" in claim 17.

It will be noted that the term "preferably" is not used in the new claims.

As noted above, claim 11 has not been reproduced in the new claims since it is believed that new claim 12 recites a method that could use the device of claim 17.

In view of the new claims 12-20, it is respectfully submitted that the specific basis for the rejection of claims 1-11 has been overcome. Accordingly, withdrawal of this rejection is respectfully requested.

2. Rejection of the Claims on the Basis of Prior Art

Presently claims 1, 4/1, 5, 6, 9 and 11 stand rejected as being anticipated by U.S. Patent 4,759,370 (Kozin et al.), claims 6, 8/6 and 11 as being anticipated by U.S. Patent 3,192,765 (Keiper), and claim 10/6 as being unpatentable over the disclosure of Keiper in view of U.S. Patent 3,070,087 (Sittel). Claims 2, 3 and 7 were identified as containing allowable subject matter in the Office Action.

As pointed out in the Office Action, the cited prior art references fail to disclose or suggest a method of measuring the pressure in an eye that includes choosing the force with which the contact body is pressed against the eye based upon the pressure of the eye. Moreover, the prior art references fail to disclose or suggest continuously measuring the frequency characteristic while increasing the contact force until a desired change in frequency is obtained, and using the contact force at that point to determine the pressure.

New claim 12 corresponds to claim 1 and specifically recites the step of continuously reading the contact force and the frequency characteristic for the system oscillating in resonance of the eye to obtain measured values therefrom. Moreover, claim 12 also recites that the relationship between the change in frequency characteristic and force is determined to obtain the pressure of the eye.

It is submitted that the aforementioned steps of claim 12 describe features of a method of the present application that are not disclosed or suggested in the cited prior art references and which are patentable in view of the comments in the outstanding Office Action.

New claim 17 corresponds to claim 6 and specifically recites a calculation device for calculating a change in the frequency characteristic as the contact body is pressed against the eye, and a feedback system that is arranged to read the force with which the contact body is pressed against the eye. Moreover, a measuring device is connected to the resonance oscillation system and is configured to continuously measure force with which the contact body is pressed against the eye.

It is submitted that the aforementioned devices of claim 17 have features of a device of the present application that are not disclosed or suggested in the cited prior art references and which are patentable in view of the comments in the outstanding Office Action.

Accordingly, in view of observations in the Office Action and the subject matter recited in new claims 12-20, it is respectfully submitted that the pending claims of the present application are patentable over the cited prior art references in the Office Action. Thus, withdrawal of the rejections in view of the prior art is requested.

3. Conclusion

Because of the new recitation of subject matter of the present application in new claims 12-20, and further because of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that new claims 12-20 be allowed and the application be passed to issue.

Application No.: 10/069,115  
Examiner: Eric F. WINAKUR  
Art Unit: 3736

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicants' Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written over a horizontal line.

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